
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0783.1/06

ATTY/TYPIST: GR:seg

BRIEF DESCRIPTION: Modifying provisions concerning the regulation
of driver training schools.

1 AN ACT Relating to driver training schools; amending RCW 46.82.280,
2 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340,
3 46.82.350, 46.82.360, 46.82.370, 46.82.420, and 18.235.020; and adding
4 a new section to chapter 46.82 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.82 RCW
7 to read as follows:

8 The uniform regulation of business and professions act, chapter
9 18.235 RCW, governs unlicensed practice, the issuance and denial of
10 licenses, and the discipline of licensees under this chapter.

11 **Sec. 2.** RCW 46.82.280 and 1986 c 80 s 1 are each amended to read
12 as follows:

13 ~~((Unless the context clearly requires otherwise,))~~ The definitions
14 in this section ~~((shall))~~ apply throughout this chapter unless the
15 context clearly requires otherwise.

16 (1) "Behind-the-wheel instruction" means instruction in an approved
17 driver training school instruction vehicle according to and inclusive

1 of the minimum required curriculum. Behind-the-wheel instruction is
2 characterized by driving experience.

3 (2) "Classroom" means a space dedicated to and used exclusively by
4 a driver training instructor for the instruction of students. With
5 prior department approval, a branch office classroom may be located
6 within alternative facilities, such as a public or private library,
7 school, community college, college or university, or a business
8 training facility.

9 (3) "Classroom instruction" means that portion of a traffic safety
10 education course that is characterized by classroom-based student
11 instruction conducted by or under the direct supervision of a licensed
12 instructor or licensed instructors.

13 (4) "Driver training school" means a commercial driver training
14 school engaged in the business of giving instruction, for a fee, in the
15 operation of automobiles.

16 ~~((+2))~~ (5) "Driver training education course" means a course of
17 instruction in traffic safety education approved and licensed by the
18 department of licensing that consists of classroom and behind-the-wheel
19 instruction as documented by the minimum approved curriculum.

20 (6) "Director" means the director of the department of licensing of
21 the state of Washington.

22 ~~((+3))~~ (7) "Advisory committee" means the driving instructors'
23 advisory committee as created in this chapter.

24 ~~((+4))~~ (8) "Fraudulent practices" means any conduct or
25 representation on the part of a ~~((licensee under this chapter tending~~
26 ~~to induce~~) driver training school owner or instructor including:

27 (a) Inducing anyone to believe, or to give the impression, that a
28 license to operate a motor vehicle or any other license granted by the
29 director may be obtained by any means other than those prescribed by
30 law, or furnishing or obtaining the same by illegal or improper means,
31 or requesting, accepting, or collecting money for such purposes;

32 (b) Operation of a driver training school without a license,
33 providing instruction without an instructor's license, verifying
34 enrollment prior to being licensed, misleading or false statements on
35 applications for a commercial driver training school license or
36 instructor's license or on any required records or supporting
37 documentation;

1 (c) Failing to fully document and maintain all required driver
2 training school records of instruction, school operation, and
3 instructor training;

4 (d) Issuing a driver training course certificate without requiring
5 completion of the necessary behind-the-wheel and classroom instruction.

6 ~~((+5+))~~ (9) "Instructor" means any person employed by or otherwise
7 associated with a driver training school to instruct persons in the
8 operation of ~~((automobiles))~~ an automobile.

9 (10) "Owner" means an individual, partnership, corporation,
10 association, or other person or group that holds a substantial interest
11 in a driver training school.

12 ~~((+6+))~~ (11) "Place of business" means a designated location at
13 which the business of a driver training school is transacted and its
14 records are kept.

15 ~~((+7+))~~ (12) "Person" means any individual, firm, corporation,
16 partnership, or association.

17 (13) "Substantial interest holder" means a person who has actual or
18 potential influence over the management or operation of any driver
19 training school. Evidence of substantial interest includes, but is not
20 limited to, one or more of the following:

21 (a) Directly or indirectly owning, operating, managing, or
22 controlling a driver training school or any part of a driver training
23 school;

24 (b) Directly or indirectly profiting from or assuming liability for
25 debts of a driver training school;

26 (c) Is an officer or director of a driver training school;

27 (d) Owning ten percent or more of any class of stock in a privately
28 or closely held corporate driver training school, or five percent or
29 more of any class of stock in a publicly traded corporate driver
30 training school;

31 (e) Furnishing ten percent or more of the capital, whether in cash,
32 goods, or services, for the operation of a driver training school
33 during any calendar year; or

34 (f) Directly or indirectly receiving a salary, commission,
35 royalties, or other form of compensation from the activity in which a
36 driver training school is or seeks to be engaged.

37 (14) "Student" means any person enrolled in a driver training
38 course that pays a fee for instruction.

1 **Sec. 3.** RCW 46.82.300 and 2002 c 195 s 5 are each amended to read
2 as follows:

3 (1) The director shall be assisted in the duties and
4 responsibilities of this chapter by the driver instructors' advisory
5 committee, consisting of five members. Members of the advisory
6 committee shall be appointed by the director for two-year terms and
7 shall consist of a representative of the driver training schools, a
8 representative of the driving instructors (who shall not be from the
9 same school as the school member), a representative of the
10 superintendent of public instruction, a representative of the
11 department of licensing, and a representative from the Washington state
12 traffic safety commission. Members shall be reimbursed for travel
13 expenses in accordance with RCW 43.03.050 and 43.03.060. A member who
14 is receiving a salary from the state shall not receive compensation
15 other than travel expenses incurred in such service.

16 (2) The advisory committee shall meet at least semiannually and
17 shall have additional meetings as may be called by the director. The
18 director or the director's representative shall attend all meetings of
19 the advisory committee and shall serve as chairman.

20 (3) Duties of the advisory committee shall be to:

21 (a) Advise and confer with the director or the director's
22 representative on matters pertaining to the establishment of rules
23 necessary to carry out this chapter;

24 ~~(b) ((Review violations of this chapter and to recommend to the~~
25 ~~director appropriate enforcement or disciplinary action as provided in~~
26 ~~this chapter;~~

27 ~~(c))~~ Review and update when necessary a curriculum consisting of
28 a list of items of knowledge and the processes of driving a motor
29 vehicle specifying the minimum requirements adjudged necessary in
30 teaching a proper and adequate course of driver education;

31 ~~((d))~~ (c) Review and update instructor certification standards to
32 be consistent with RCW 46.82.330 and take into consideration those
33 standards required to be met by traffic safety education teachers under
34 RCW 28A.220.020(3); and

35 ~~((e))~~ (d) Prepare the examination for a driver instructor's
36 certificate and review examination results at least once each calendar
37 year for the purpose of updating and revising examination standards.

1 **Sec. 4.** RCW 46.82.310 and 2002 c 352 s 24 are each amended to read
2 as follows:

3 (1) No person shall engage in the business of conducting a driver
4 training school without a license issued by the director for that
5 purpose. The school's license must be displayed before the school may:

6 (a) Schedule, enroll, or engage any students in a course of
7 instruction;

8 (b) Issue a verification of enrollment to any student; or

9 (c) Begin any classroom or behind-the-wheel instruction.

10 (2) An application for a driver training school license shall be
11 filed with the director, containing such information as prescribed by
12 the director, including a uniform business identifier number,
13 accompanied by an application fee (~~((of three hundred dollars))~~) as set
14 by rule of the department, which shall in no event be refunded. Before
15 an application for a driver training school license is approved, the
16 business practices, facilities, records, and insurance of the proposed
17 school must be inspected and reviewed by authorized representatives of
18 the director. If an application is approved by the director, the
19 applicant (~~((upon payment of an additional fee of two hundred dollars))~~)
20 shall be granted a license valid for a period of one year from the date
21 of issuance.

22 (~~((+2))~~) (3) The annual fee for renewal of a school license shall be
23 (~~((two hundred fifty dollars))~~) set by rule of the department. Subject
24 to the department's inspection of the business, the director shall
25 issue a license certificate to each licensee which shall be
26 conspicuously displayed in the place of business of the licensee. If
27 the director has not received a renewal application (~~((has not been~~
28 ~~received by the director within sixty days from))~~) on or before the date
29 a (~~((notice of))~~) license (~~((expiration was mailed to the licensee))~~)
30 expires, the license will be void requiring a new application as
31 provided for in this chapter, including payment of all fees.

32 (~~((+3))~~) (4) The person to whom a driver training school license has
33 been issued must notify the director in writing within (~~((thirty))~~) ten
34 business days after any change is made in the officers, directors, or
35 location of the place of business of the school.

36 (~~((+4))~~) ~~Driver training school licenses shall not be transferable.~~
37 ~~In the event of any transfer of ownership in the business, an~~

1 ~~application for~~) (5) A change involving the ownership of a driver
2 training school requires a new license application, including payment
3 of all fees(~~(, must be made)~~).

4 (a) The owner relinquishing the business must notify the director
5 in writing within ten business days.

6 (b) The new owner must submit an application and fee as prescribed
7 by rule of the department for transfer of the school's license to the
8 director within ten business days.

9 (c) Upon receipt of the required notification and the application
10 and fees for license transfer, the director shall permit continuance of
11 the business for a period not to exceed sixty days from the date of
12 transfer pending approval of the new application for a school license.

13 (d) The transferred license shall remain subject to suspension,
14 revocation, or denial in accordance with RCW 46.82.350 and 46.82.360.

15 ~~((5) The director shall not issue or renew a school license~~
16 ~~certificate until the licensee has filed with the director evidence of~~
17 ~~liability insurance coverage with an insurance company authorized to do~~
18 ~~business in this state in the amount of not less than three hundred~~
19 ~~thousand dollars because of bodily injury or death to two or more~~
20 ~~persons in any one accident, not less than one hundred thousand dollars~~
21 ~~because of bodily injury or death to one person in one accident, and~~
22 ~~not less than fifty thousand dollars because of property damage to~~
23 ~~others in one accident, and the coverage shall include uninsured~~
24 ~~motorists coverage. The insurance coverage shall be maintained in full~~
25 ~~force and effect and the director shall be notified at least ten days~~
26 ~~prior to cancellation or expiration of any such policy of insurance.))~~

27 (6) Evidence of liability insurance coverage must be filed with the
28 director prior to the issuance or renewal of a school license, and
29 shall meet the following standards:

30 (a) Coverage must be provided by a company authorized to do
31 business in Washington state;

32 (b) Automobile liability coverage shall be in the amount of not
33 less than one million dollars, and shall include property damage and
34 uninsured motorists coverage;

35 (c) The required coverage shall be maintained in full force and
36 effect for the term of the school license;

37 (d) Changes in insurance coverage due to cancellation or expiration

1 require notification of the director and proof of continuing coverage
2 within ten working days following any change; and

3 (e) Coverage shall be issued in the name of the school and identify
4 the covered locations and vehicles.

5 (7) The increased insurance requirements of subsection ((+5+)) (6)
6 of this section must be in effect by no later than one year after
7 ((September 1, 1979)) July 1, 2006.

8 **Sec. 5.** RCW 46.82.320 and 2002 c 352 s 25 are each amended to read
9 as follows:

10 (1) No person(~~(, including the owner, operator, partner, officer,~~
11 ~~or stockholder of))~~ affiliated with a driver training school shall give
12 instruction in the operation of an automobile for a fee without a
13 license issued by the director for that purpose. An application for an
14 original or renewal instructor's license shall be filed with the
15 director, containing such information as prescribed by this chapter and
16 by the director, accompanied by an application fee ((of seventy-five
17 dollars)) set by rule of the department, which shall in no event be
18 refunded. An application for a renewal instructor's license must be
19 accompanied by proof of the applicant's continuing professional
20 development that meets the standards adopted by the director. If the
21 ~~((application is approved by the director and the))~~ applicant
22 satisfactorily meets the application requirements and the examination
23 requirements as prescribed in RCW 46.82.330, the applicant shall be
24 granted a license valid for a period of one year from the date of
25 issuance. An instructor shall take a requalification examination every
26 five years.

27 (2) ~~((The annual fee for renewal of an instructor's license shall~~
28 ~~be twenty-five dollars.))~~ The director shall issue a license
29 certificate to each ~~((licensee which shall be))~~ qualified applicant.

30 (a) An employing driver training school must conspicuously
31 ~~((displayed in the))~~ display an instructor's license at its established
32 place of business ((of the employing driver training school)) and
33 display copies of the instructor's license at any branch office where
34 the instructor provides instruction.

35 (b) Unless revoked, canceled, or denied by the director, the
36 license shall remain the property of the licensee in the event of

1 termination of employment or employment by another driver training
2 school.

3 (c) If the director has not received a renewal application ((has
4 not been received by the director within sixty days from)) on or before
5 the date a ((notice of)) license ((expiration was mailed to the
6 licensee)) expires, the license will be voided requiring a new
7 application as provided for in this chapter, including examination and
8 payment of all fees.

9 (d) If revoked, canceled, or denied by the director, the license
10 must be surrendered to the department within ten days following the
11 effective date of such action.

12 ~~(3) ((Persons who qualify under the rules jointly adopted by the~~
13 ~~superintendent of public instruction and the director of licensing to~~
14 ~~teach only the laboratory phase, shall be subject to a ten dollar~~
15 ~~examination fee.~~

16 ~~(4))~~ Each licensee shall be provided with a wallet-size
17 identification card by the director at the time the license is issued
18 which shall be carried on the instructor's person at all times while
19 engaged in instructing.

20 ~~((5))~~ (4) The person to whom an instructor's license has been
21 issued shall notify the director in writing within ~~((thirty))~~ ten days
22 of any change of employment or termination of employment, providing the
23 name and address of the new driver training school by whom the
24 instructor will be employed.

25 **Sec. 6.** RCW 46.82.325 and 2002 c 195 s 4 are each amended to read
26 as follows:

27 ~~(1) ((Persons instructing students under eighteen years of age))~~
28 Instructors, owners, and other persons affiliated with a school who
29 have contact with students are required to have a background check
30 through the Washington state patrol criminal identification system and
31 through the federal bureau of investigation. The background check
32 shall also include a fingerprint check using a fingerprint card.
33 Persons covered by this section must have their background rechecked
34 under this subsection every five years.

35 (2) In addition to the background check required under subsection
36 (1) of this section, persons covered by this section must have a

1 background check through the Washington criminal identification system
2 at the time of application for any renewal license.

3 (3) The cost of the background check shall be paid by the
4 ((instructor)) person.

5 ~~((3) The department may waive the background check for any~~
6 ~~applicant who has had a background check within two years before~~
7 ~~applying to become an instructor.))~~

8 **Sec. 7.** RCW 46.82.330 and 1979 ex.s. c 51 s 6 are each amended to
9 read as follows:

10 ~~(1) ((Upon receipt and approval of an application accompanied by~~
11 ~~the proper fees, the director shall arrange for the examination of each~~
12 ~~applicant for an instructor's license and shall notify each applicant~~
13 ~~of the time and place to appear for examination.~~

14 ~~(2) The examination prepared by the advisory committee shall~~
15 ~~consist of a knowledge test and an actual driving test conducted in a~~
16 ~~vehicle provided by the applicant. The examination shall determine:~~
17 ~~The applicant's knowledge of driving laws, rules, and regulations; the~~
18 ~~applicant's ability to safely operate a motor vehicle; and the~~
19 ~~applicant's ability to impart this knowledge to others.~~

20 ~~(3) No))~~ The application for an instructor's license shall document
21 the applicant's fitness, knowledge, skills, and abilities to teach the
22 classroom and behind-the-wheel phases of a driver training education
23 program in a commercial driver training school.

24 (2) An applicant shall be ((permitted by the director to take the
25 examination for an instructor's license until it is determined that the
26 applicant meets the following requirements)) eligible to apply for an
27 original instructor's certificate if the applicant possesses and meets
28 the following qualifications and conditions:

29 (a) Has been licensed to drive for five or more years and possesses
30 a current and valid Washington driver's license or is a resident of a
31 jurisdiction immediately adjacent to Washington state and possesses a
32 current and valid license issued by such jurisdiction, and does not
33 have on his or her driving record any of the violations or penalties
34 set forth in ((3)) (2)(a) (i), (ii), or (iii) of this section. The
35 director shall have the right to examine the driving record of the
36 applicant from the department of licensing and from other jurisdictions
37 and from these records determine if the applicant has had:

1 (i) Not more than ~~((three))~~ one moving traffic violation(~~((s))~~)
2 within the preceding twelve months or more than ~~((four))~~ two moving
3 traffic violations in the preceding twenty-four months;

4 (ii) No alcohol-related traffic violation or incident within the
5 preceding ~~((three))~~ seven years; and

6 (iii) No driver's license suspension, cancellation, revocation, or
7 denial within the preceding ~~((three))~~ five years;

8 (b) Is a high school graduate or the equivalent and at least
9 twenty-one years of age;

10 (c) Has completed an acceptable application on a form prescribed by
11 the director; ~~((and))~~

12 (d) Has satisfactorily completed a ~~((sixty-hour))~~ course of
13 instruction in the training of drivers acceptable to the director(~~((~~
14 ~~The course shall include at least twelve hours of~~~~))~~ that is no less
15 than sixty hours in length and includes instruction in classroom and
16 behind-the-wheel teaching methods and ~~((at least six hours))~~ supervised
17 practice behind-the-wheel teaching of driving techniques; and

18 (e) Has paid an examination fee as set by rule of the department
19 and has successfully completed an instructor's examination as prepared
20 by the advisory committee, which shall consist of a knowledge test and
21 an actual driving test conducted in a vehicle provided by the
22 applicant. The examination shall determine:

23 (i) The applicant's knowledge of driving laws and rules;
24 (ii) The applicant's ability to safely operate a motor vehicle; and
25 (iii) The applicant's ability to impart this knowledge and ability
26 to others.

27 ~~((4) Any person with a valid instructor's license in effect as of~~
28 ~~September 1, 1979, shall not be required to take the examination, or~~
29 ~~complete the revised course of instruction, otherwise required under~~
30 ~~this section.))~~

31 **Sec. 8.** RCW 46.82.340 and 1979 ex.s. c 51 s 7 are each amended to
32 read as follows:

33 In case of the loss, mutilation, or destruction of a driver
34 training school license certificate or an instructor's license
35 certificate, the director shall issue a duplicate thereof upon proof of
36 the facts and payment of a fee ~~((of two dollars))~~ as set by rule of the
37 department.

1 **Sec. 9.** RCW 46.82.350 and 1979 ex.s. c 51 s 8 are each amended to
2 read as follows:

3 ~~((+1))~~ The director may suspend, revoke, deny, or refuse to renew
4 an instructor's license or a driver training school license, or impose
5 such other disciplinary action authorized under RCW 18.235.110, upon
6 determination that the applicant, licensee, or owner has engaged in
7 unprofessional conduct as defined by RCW 18.235.130 or for any of the
8 following causes:

9 ~~((+a))~~ (1) Upon determination that the licensee has made a false
10 statement or concealed any material fact in connection with the
11 application or license renewal;

12 ~~((+b))~~ (2) Upon ~~((conviction of))~~ determination that the
13 applicant, licensee, owner, or any person directly or indirectly
14 interested in the driver training school's business has been convicted
15 of a felony, or any crime involving violence, dishonesty, deceit,
16 indecency, degeneracy, or moral turpitude;

17 ~~((+c))~~ (3) Upon determination that the applicant, licensee, owner,
18 or any person directly or indirectly interested in the driver training
19 school's business previously held a driver training school license
20 which was revoked, suspended, or refused renewal by the director;

21 ~~((+d))~~ (4) Upon determination that the applicant ~~((or))~~, licensee,
22 or owner does not have ~~((a))~~ an established place of business as
23 required by this chapter;

24 ~~((+e))~~ (5) Upon determination that the applicant or licensee has
25 failed to require all persons with financial interest in the driver
26 training school to be signatories to the application;

27 ~~((+f))~~ (6) Upon determination that the applicant ~~((or))~~, licensee,
28 or owner has ~~((been found guilty of fraud or))~~ committed fraud, induced
29 another to commit fraud, or engaged in fraudulent practices in relation
30 to the business conducted under the license, or ~~((guilty of inducing))~~
31 has induced another to resort to fraud in relation to securing for
32 himself, herself, or another a license to drive a motor vehicle; ~~((or~~

33 ~~+g))~~ (7) Upon determination that the applicant, licensee, or owner
34 has engaged in conduct that could endanger the educational welfare or
35 personal safety of students or others;

36 (8) Upon determination that a licensed instructor no longer
37 possesses and meets the qualifications and conditions set out in RCW
38 46.82.330(2)(a); or

1 (9) Upon determination that the applicant (~~((or))~~), licensee or owner
2 failed to satisfy or fails to satisfy the other conditions stated in
3 this chapter.

4 **Sec. 10.** RCW 46.82.360 and 1989 c 337 s 19 are each amended to
5 read as follows:

6 The license of any driver training school or instructor may be
7 suspended, revoked, denied, or refused renewal, or such other
8 disciplinary action authorized under RCW 18.235.110 may be imposed, for
9 failure to comply with the business practices specified in this
10 section.

11 (1) No place of business shall be established nor any business of
12 a driver training school conducted or solicited within one thousand
13 feet of an office or building owned or leased by the department of
14 licensing in which examinations for drivers' licenses are conducted.
15 The distance of one thousand feet shall be measured along the public
16 streets by the nearest route from the place of business to such
17 building.

18 (2) Any automobile used by a driver training school or an
19 instructor for instruction purposes must be equipped with:

20 (a) Dual controls for foot brake and clutch, or foot brake only in
21 a vehicle equipped with an automatic transmission;

22 (b) An instructor's rear view mirror; and

23 (c) A sign in legible, printed English letters displayed on the
24 back or top, or both, of the vehicle that:

25 *(i)* Is not less than twenty inches in horizontal width or less than
26 ten inches in vertical height (~~((and having))~~);

27 *(ii)* Has the words "student driver," (~~((or))~~) "instruction car," or
28 (~~((both, in legible, printed, English))~~) "driving school" in letters at
29 least two and one-half inches in height near the top (~~((and))~~);

30 *(iii)* Has the name and telephone number of the school in similarly
31 legible letters not less than one inch in height placed somewhere below
32 the aforementioned words(~~((, and the street number and name and the~~
33 ~~telephone number in similarly legible letters at least one inch in~~
34 ~~height placed next below the name of the school. The))~~);

35 *(iv)* Has lettering and background colors (~~((shall be of contrasting~~
36 ~~shades so as to be))~~) that make it clearly readable at one hundred feet
37 in clear daylight(~~((. The sign shall be))~~);

1 (v) Is displayed at all times when instruction is being given.

2 (3) Instruction may not be given by an instructor to a student who
3 is under the age of fifteen, and behind-the-wheel instruction may not
4 be given by an instructor to a student in an automobile unless the
5 student possesses a current and valid instruction permit issued
6 pursuant to RCW 46.20.055 or a current and valid driver's license.

7 (4) No driver training school or instructor shall advertise or
8 otherwise indicate that the issuance of a driver's license is
9 guaranteed or assured as a result of the course of instruction offered.

10 (5) No driver training school or instructor shall utilize any types
11 of advertising without using the full, legal name of the school and
12 identifying itself as a driver training school. ~~((Items))~~ Instruction
13 vehicles and equipment, classrooms, driving simulators, training
14 materials and services advertised must be available in a manner as
15 might be expected by the average person reading the advertisement.

16 (6) A driver training school shall have an established place of
17 business owned, rented, or leased by the school and regularly occupied
18 and used exclusively for the business of giving driver instruction.
19 The established place of business of a driver training school ~~((that~~
20 ~~applies for an initial license after July 23, 1989,))~~ shall be located
21 in a district that is zoned for business or commercial purposes.

22 (a) The established place of business, branch office, or classroom
23 or advertised address of any such driver training school shall not
24 consist of or include a house trailer, residence, tent, temporary
25 stand, temporary address, bus, telephone answering service if such
26 service is the sole means of contacting the driver training school, a
27 room or rooms in a hotel or rooming house or apartment house, or
28 premises occupied by a single or multiple-unit dwelling house.

29 (b) A driver training school may lease classroom space within a
30 public or private school that is recognized and regulated by the office
31 of the superintendent of public instruction to conduct student
32 instruction as approved by the director. However, such use of public
33 or private classroom space does not alleviate the driver training
34 school from securing and maintaining an established place of business
35 nor from using its own classroom on a regular basis as required by this
36 chapter.

37 (c) To classify as a branch office or classroom the facility must

1 be within a thirty-five mile radius of the established place of
2 business.

3 (d) Nothing in this subsection may be construed as limiting the
4 authority of local governments to grant conditional use permits or
5 variances from zoning ordinances.

6 (7) No driver training school or instructor shall conduct any type
7 of instruction or training on a course used by the department of
8 licensing for testing applicants for a Washington driver's license.

9 (8) Each driver training school shall maintain ~~((records on all~~
10 ~~of))~~ its ((students, including)) student, instructor, vehicle, and
11 operating records at its established place of business.

12 (a) Student records must include the student's name ((and)),
13 address, and telephone number, ((the starting and ending)) date of
14 enrollment and all dates of instruction, the student's instruction
15 permit or driver's license number, the type of training given, ~~((and))~~
16 the total number of hours of instruction, and the name and signature of
17 the instructor or instructors.

18 (b) Instructor records shall include the instructor's license
19 number, the date of hire, the dates and duration of an instructor's
20 training including initial certification as an instructor and
21 continuing education, an abstract of the driving record for the
22 instructor obtained within the past year, and a list of the locations
23 where the instructor is providing student instruction.

24 (c) Vehicle records shall include the original insurance policies
25 and copies of the vehicle registration for all instruction vehicles.

26 (d) Student and instructor records ((of past students)) shall be
27 maintained for five years following the completion of the instruction.
28 Vehicle records shall be maintained for five years following their
29 issuance. All records shall be made available for inspection upon the
30 request of the department.

31 (e) Upon a transfer or sale of school ownership the school records
32 shall be transferred to and become the property and responsibility of
33 the new owner.

34 (9) Each driver training school shall, at its established place of
35 business, display, in a place where it can be seen by all clients, a
36 copy of the required minimum curriculum ~~((compiled))~~ furnished by the
37 ~~((driver advisory committee))~~ department and a copy of the school's own

1 curriculum. Copies of the required minimum curriculum are to be
2 provided to driver training schools and instructors by the director.

3 (10) Driver training schools and instructors shall submit to
4 periodic inspections of their business practices, facilities, records,
5 and insurance by authorized representatives of the director of the
6 department of licensing.

7 **Sec. 11.** RCW 46.82.370 and 1979 ex.s. c 51 s 10 are each amended
8 to read as follows:

9 Upon notification of suspension, revocation, denial, or refusal to
10 renew a license under this chapter, a driver training school or
11 instructor shall have the right to appeal the action being taken. An
12 appeal may be made to the director, who shall cause a hearing to be
13 held (~~((by the advisory committee))~~) in accordance with chapter 34.05
14 RCW. Filing an appeal shall stay the action pending the hearing and
15 the director's decision. Upon conclusion of the hearing, (~~((the
16 advisory committee shall notify the director of its findings of fact
17 and recommended action. Within ten days of receipt of the advisory
18 committee's findings and recommendation,))~~) the director shall issue a
19 decision on the appeal.

20 (1) A license may, however, be temporarily suspended by the
21 director without notice pending any prosecution, investigation, or
22 hearing where such emergency action is warranted. A licensee or
23 applicant entitled to a hearing shall be given due notice thereof.

24 (2) The sending of a notice of a hearing by registered mail to the
25 last known address of a licensee or applicant in accordance with
26 chapter 34.05 RCW shall be deemed due notice.

27 (3) The director or the director's authorized representative shall
28 preside over the (~~((advisory committee during the))~~) hearing and shall
29 have the power to subpoena witnesses, administer oaths to witnesses,
30 take testimony of any person, and cause depositions to be taken. A
31 subpoena issued under the authority of this section shall be served in
32 the same manner as a subpoena issued by a court of record. Witnesses
33 subpoenaed under this section and persons other than officers or
34 employees of the department of licensing shall be entitled to the same
35 fees and mileage as are allowed in civil actions in courts of law.

1 **Sec. 12.** RCW 46.82.420 and 2004 c 126 s 2 are each amended to read
2 as follows:

3 (1) The advisory committee shall ((compile)) consult with the
4 department in the development and maintenance of a basic minimum
5 required curriculum and the department shall furnish to each qualifying
6 applicant for an instructor's license or a driver training school
7 license a ((basic minimum required)) copy of such curriculum.

8 (2) In addition to information on the safe, lawful, and responsible
9 operation of motor vehicles on the state's highways, the basic minimum
10 required curriculum shall ((also)) include ((+1)) information on:

11 (a) Intermediate driver's license issuance, passenger and driving
12 restrictions and sanctions for violating the restrictions, and the
13 effect of traffic violations and collisions on the driving privileges;

14 (b) The effects of alcohol and drug use on motor vehicle operators,
15 including information on drug and alcohol related traffic injury and
16 mortality rates in the state of Washington((+2)) and the current
17 penalties for driving under the influence of drugs or alcohol; and
18 ((+3) information on))

19 (c) Motorcycle awareness, approved by the Motorcycle Safety
20 Foundation, to ensure new operators of motor vehicles have been
21 instructed in the importance of safely sharing the road with
22 motorcyclists.

23 (3) Should the director be presented with acceptable proof that any
24 licensed instructor or driver training school is not showing proper
25 diligence in teaching such basic minimum curriculum as required, the
26 instructor or school shall be required to appear before the advisory
27 committee and show cause why the license of the instructor or school
28 should not be revoked for such negligence. If the committee does not
29 accept such reasons as may be offered, the director may revoke the
30 license of the instructor or school, or both.

31 **Sec. 13.** RCW 18.235.020 and 2002 c 86 s 103 are each amended to
32 read as follows:

33 (1) This chapter applies only to the director and the boards and
34 commissions having jurisdiction in relation to the businesses and
35 professions licensed under the chapters specified in this section.
36 This chapter does not apply to any business or profession not licensed
37 under the chapters specified in this section.

(2)(a) The director has authority under this chapter in relation to the following businesses and professions:

(i) Auctioneers under chapter 18.11 RCW;
(ii) Bail bond agents under chapter 18.185 RCW;
(iii) Camping resorts' operators and salespersons under chapter 19.105 RCW;

(iv) Commercial telephone solicitors under chapter 19.158 RCW;
(v) Cosmetologists, barbers, manicurists, and estheticians under chapter 18.16 RCW;

(vi) Court reporters under chapter 18.145 RCW;
(vii) Driver training schools and instructors under chapter 46.82 RCW;

(viii) Employment agencies under chapter 19.31 RCW;
~~((~~viii~~))~~ (ix) For hire vehicle operators under chapter 46.72 RCW;
~~((~~ix~~))~~ (x) Limousines under chapter 46.72A RCW;
~~((~~x~~))~~ (xi) Notaries public under chapter 42.44 RCW;
~~((~~xi~~))~~ (xii) Private investigators under chapter 18.165 RCW;
~~((~~xii~~))~~ (xiii) Professional boxing, martial arts, and wrestling under chapter 67.08 RCW;

~~((~~xiii~~))~~ (xiv) Real estate appraisers under chapter 18.140 RCW;
~~((~~xiv~~))~~ (xv) Real estate brokers and salespersons under chapters 18.85 and 18.86 RCW;

~~((~~xv~~))~~ (xvi) Security guards under chapter 18.170 RCW;
~~((~~xvi~~))~~ (xvii) Sellers of travel under chapter 19.138 RCW;
~~((~~xvii~~))~~ (xviii) Timeshares and timeshare salespersons under chapter 64.36 RCW; and

~~((~~xviii~~))~~ (xix) Whitewater river outfitters under chapter 79A.60 RCW.

(b) The boards and commissions having authority under this chapter are as follows:

(i) The state board of registration for architects established in chapter 18.08 RCW;

(ii) The cemetery board established in chapter 68.05 RCW;

(iii) The Washington state collection agency board established in chapter 19.16 RCW;

(iv) The state board of registration for professional engineers and land surveyors established in chapter 18.43 RCW governing licenses issued under chapters 18.43 and 18.210 RCW;

1 (v) The state board of funeral directors and embalmers established
2 in chapter 18.39 RCW;

3 (vi) The state board of registration for landscape architects
4 established in chapter 18.96 RCW; and

5 (vii) The state geologist licensing board established in chapter
6 18.220 RCW.

7 (3) In addition to the authority to discipline license holders, the
8 disciplinary authority may grant or deny licenses based on the
9 conditions and criteria established in this chapter and the chapters
10 specified in subsection (2) of this section. This chapter also governs
11 any investigation, hearing, or proceeding relating to denial of
12 licensure or issuance of a license conditioned on the applicant's
13 compliance with an order entered under RCW 18.235.110 by the
14 disciplinary authority.

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